



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

PP:KTF/BW/DIB
F. #2024R00288

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 27, 2024

By Hand and ECF

Clerk of Court
(for forwarding to randomly assigned United States District Judge)
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

The Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Mahmud Mollah ("Mollah")
Criminal Docket Number To Be Assigned;
United States v. Jontay Porter ("Porter")
Criminal Docket Number 24-270 (LDH);
and
United States v. Long Phi Pham ("Pham")
Criminal Docket Number 24-359 (LDH)

**FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
* SEPTEMBER 27, 2024 *
BROOKLYN OFFICE
24-CR-389
Judge Brian M. Cogan
Magistrate Judge Joseph A. Marutollo**

Dear Clerk of Court and Judge DeArcy Hall:

Pursuant to Rule 4 of the Rules for the Division of Business for the Eastern District of New York, the government hereby notifies the Court that the above-captioned cases (Mollah, Pham and Porter) are presumptively related.

Rule 4(b)(1) provides for "a presumption that one case is 'related' to another when the facts of each arise out of the same charged criminal scheme(s), transaction(s), or event(s), even if different defendants are involved in each case." Rule 4(c)(1) directs the United States Attorney's Office to "give notice to all relevant Judges whenever it appears that one case may be presumptively related to another pursuant to Rule 4(b) above."

This letter constitutes the notice directed by Rule 4. Mollah, Pham and Porter are presumptively related because the facts of their cases arise out of the same events. Specifically,

Mollah, Pham and Porter are co-conspirators in the same criminal conspiracy (the “Conspiracy”).¹

Accordingly, because Mollah, Pham and Porter arise out of the same events, they are presumptively related. The Honorable LaShann DeArcy Hall, United States District Judge, Eastern District of New York, is the assigned judge overseeing both Pham and Porter. As such, given the above-described overlap between Mollah, Pham and Porter, the government respectfully requests that Mollah be assigned to Judge DeArcy Hall. The government respectfully submits that such an assignment would be appropriate as it would likely result in a significant savings of judicial resources and serve the interests of justice.

Respectfully submitted,

BREON PEACE
United States Attorney
Eastern District of New York

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cc: Clerk of Court (by ECF)
Andrew Levin, Esq. (by ECF and E-Mail)

¹ On June 4, 2024, the Honorable Cheryl L. Pollak, Magistrate Judge for the Eastern District of New York, signed a complaint charging four defendants, including Mollah and Pham, in connection with their participation in the Conspiracy, in violation of Title 18, United States Code, Section 1349. See 24-MJ-404 (the “Complaint”). Porter is the individual identified as “Player 1” in the Complaint. Id. On July 10, 2024, Porter pled guilty before the Honorable James R. Cho, Magistrate Judge for the Eastern District of New York, to conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349. Porter is pending sentencing.